

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA
:
-v.- S4 05 Cr. 1067 (KMK)
:
DOUGLAS SHYNE,
NATASHA SINGH,
a/k/a "Beatris Rodrigues,"
NATHANIEL SHYNE,
TOYBE BENNETT,
a/k/a "Dmitriy Makarevich,"
a/k/a "Dmitriy Makervish,"
a/k/a "Eduardo Rodrigues,"
a/k/a "Cecilio Pena,"
ROBERTO MONTGOMERY,
NARESH PITAMBAR,
JASON WATLER,
STEVEN RIDDICK,
NATHANIEL ALEXANDER, and
TIMOTHY MONTGOMERY,
:
Defendants.
:
- - - - -x

**GOVERNMENT'S PROPOSED
EXAMINATION OF PROSPECTIVE JURORS**

MICHAEL J. GARCIA
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Southern District of New York
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Pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, the Government respectfully requests that the Court include the following questions in its examination of prospective jurors. The Government further requests that the Court conduct more detailed questioning, in the event that any particular juror's answer reveals that further inquiry is appropriate and, in such an instance, to conclude with an inquiry as to whether the particular fact or circumstance would influence the juror in favor of or against either the Government or the defendant.

The Charge

1. This is a criminal case. The defendants are charged with various criminal offenses.

Count One of the Indictment charges defendants DOUGLAS SHYNE, NATASHA SINGH, a/k/a "Beatris Rodrigues," NATHANIEL SHYNE, TOYBE BENNETT, a/k/a "Dmitriy Makarevich," a/k/a "Dmitriy Makervish," a/k/a "Eduardo Rodrigues," a/k/a "Cecilio Pena," ROBERTO MONTGOMERY, NARESH PITAMBAR, JASON WATLER, STEVEN RIDDICK, NATHANIEL ALEXANDER, and TIMOTHY MONTGOMERY, and others known and unknown, with conspiracy to commit bank fraud by depositing stolen, altered and counterfeit checks drawn on accounts at banks such as Wachovia Bank, Bank of America, and Community Bank of Broward, among other banks, as well as proceeds from such checks, into accounts at numerous banks.

Counts Two through Eleven charge various defendants with actually committing bank fraud. Each of these charges concerns different banks and/or different stolen, altered, and/or counterfeit checks.

Counts Twelve through Fourteen charge various defendants with conspiracy to launder money. Count Twelve charges DOUGLAS SHYNE, NATASHA SINGH, and TOYBE BENNETT with money laundering conspiracy.

Count Thirteen charges DOUGLAS SHYNE, NATASHA SINGH, TOYBE BENNETT, ROBERTO MONTGOMERY, NARESH PITAMBAR, JASON WATLER, STEVEN RIDDICK, NATHANIEL ALEXANDER, and TIMOTHY MONTGOMERY with

money laundering conspiracy.

Count Fourteen charges DOUGLAS SHYNE, NATASHA SINGH, and NATHANIEL SHYNE with money laundering conspiracy.

Count Fifteen charges TOYBE BENNETT and ROBERTO MONTGOMERY with conspiracy to sell, receive, or possess stolen goods in interstate commerce.

Finally, Count Sixteen charges NATASHA SINGH with fraudulently procuring naturalization and/or citizenship.

2. Does any juror have any personal knowledge of the charges in the Indictment as I have described them?

3. Does any juror feel that he or she could not fairly and impartially view a case involving such charges?

4. Has any juror formed an opinion that the actions charged in the Indictment -- engaging in a scheme to defraud a federally insured bank, conspiring to do the same, conspiracy to commit money laundering, conspiracy to sell, receive, or possess stolen goods in interstate commerce, and naturalization fraud -- should not be a crime?

5. Does any of you have any opinion about the enforcement of the federal laws concerning conspiracy, bank fraud, money laundering, sale, possession, or receipt of stolen goods, or naturalization fraud, that might prevent you from being fair and impartial in this case?

6. Has any juror been involved in any offense

involving any of these offenses?

7. Has any juror's relative, close friend, or close associate been involved in an offense involving conspiracy, bank fraud, money laundering, sale, possession, or receipt of stolen goods, or naturalization fraud?

8. Do any of you feel, for any reason, that you could not view fairly and impartially a case involving these charges?

Knowledge Of Trial Participants

9. Does any juror know, or has he or she had any dealings, directly or indirectly, with any of the defendants or with any relative, friend, or associate of theirs? *[The Government respectfully requests that the Court ask the defendants to stand as each of their names are called.]*

10. Does any juror have any relatives, friends, associates, employers, or employees who know or who have any dealings with the following companies:

*[A list of companies will be supplied
by the Government to the Court.]*

11. The Government is represented here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern District of New York, Michael J. Garcia. The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Danya Perry and Daniel Levy. They will at times be assisted by Erik Rosenblatt, a Special Agent of the Bureau of Immigration and Customs Enforcement, and

Lauren McDonough, a paralegal at the United States Attorney's Office. *[The Government respectfully requests that the Court ask these individuals to stand as their names are called.]* Does any of you know Mr. Garcia, either of the Assistant United States Attorneys, Special Agent Rosenblatt, or Ms. McDonough? Has any of you had any dealings, either directly or indirectly, with any of these individuals?

12. The defendants are each represented by counsel at trial. Defendant Douglas Shyne is represented by Susan V. Tipograph. Defendant Natasha Singh is represented by Harvey Fishbein. Defendant Nathaniel Shyne is represented by David L. Lewis. Defendant Toybe Bennett is represented by Neil S. Cartusciello. Defendant Roberto Montgomery is represented by Thomas H. Nooter. Defendant Naresh Pitambar is represented by Denis P. Kelleher. Defendant Jason Watler is represented by Anthony Ricco. Defendant Steven Riddick is represented by Bryan H. Hoss. Defendant Nathaniel Alexander is represented by Michael Fineman. Defendant Timothy Montgomery is represented by Robert W. McFarland. Does any of you know any of these defense counsel? *[The Government respectfully requests that the Court ask these individuals to stand as their names is called.]* Has any juror had any dealings, either directly or indirectly, with Ms. Tipograph, Mr. Fishbein, Mr. Lewis, Mr. Cartusciello, Mr. Nooter, Mr. Kelleher, Mr. Ricco, Mr. Hoss, Mr. Fineman, or Mr. McFarland?

13. Does any juror know, or has any juror had any dealings, either directly or indirectly, with any of the following persons who may be witnesses, or whose names may be mentioned in this case:

[A list of witnesses and other persons whose names may be mentioned will be supplied by the Government to the Court.]

Relationship With The Government Or Victim

14. Does any juror know, or have any association with, any member of the staff of:

- (a) the United States Attorney's Office for the Southern District of New York; or
- (b) the Bureau of Immigration and Customs Enforcement.

You should be aware that the Bureau of Immigration and Customs Enforcement used to be known as the Immigration and Naturalization Service. By "association," I mean any professional, business, or social connection, and either a direct or indirect connection.

15. Is any member of your family employed by any law enforcement agency, whether federal, state, or local, such as a police department?

16. Has any juror -- either through any experience that he or she has had, or anything that he or she has seen or read -- developed any bias or prejudice, either for or against, the Bureau of Immigration and Customs Enforcement?

17. Has any juror -- either through any experience

that he or she has had, or anything that he or she has seen or read -- developed any bias or prejudice for or against the United States Attorney's Office or any other prosecutor's office, such as a local District Attorney's Office?

18. Have you, or has any member of your family, either as an individual or in the course of his or her business, ever been a party to any legal action or dispute with the United States or any of the officers, departments, agencies, or employees of the United States, or had any interest in any such legal action or dispute or its outcome? More specifically, have you, or has any member of your family, ever had a dispute concerning payment of money owed to you by the Government?

19. Does any juror know, or have any association with the following banks:

*[A list of banks will be supplied
by the Government to the Court.]*

Has any juror -- either through any experience that he or she has had, or anything that he or she has seen or read -- developed any bias or prejudice, either for or against these banks?

Prior Jury Service

20. Have you ever served as a juror in a trial in any court? If so, in what court did you serve? Was it a civil or criminal case? What type of case was it?

21. Did the jury reach a verdict?

22. Have you ever at any time served as a member of a

grand jury, whether in federal, state, county, or city court? If so, when and where?

23. Have you ever at any time served as a member of a grand jury, whether in federal, state, county, or city court? If so, where and when, and generally, what types of cases did you consider?

Experience As A Witness, Defendant, Or Crime Victim

24. Have any juror, any juror's relative, any juror's close friend or associate ever been a witness or a complainant in any hearing or trial, whether state, local, or federal?

25. Has any juror, any juror's relative, any juror's close friend or associate ever been questioned in any matter being investigated by a federal, state, or local law enforcement agency?

26. Has any juror, any juror's relative, any juror's close friend or associate ever been involved or appeared as a witness in any proceeding? By "proceeding," I mean any investigation by a federal or state grand jury or by a Congressional or state legislative committee, licensing authority, or governmental agency?

27. Are you, any relative, or any close friend or associate, now under subpoena or, to your knowledge, about to be subpoenaed in any criminal case?

28. Have you, any relative, or any close friend or associate ever been charged with a crime?

29. Have you, any relative, any close friend or associate ever been the subject of any investigation or accusation by any federal or state grand jury?

30. Have you, any relative, any close friend or associate ever been a victim of a crime?

Views On Witnesses

31. The witnesses in this case may include special agents of the Bureau of Immigration and Customs Enforcement and other law enforcement agencies. Would you be more likely to believe or disbelieve a witness merely because he or she is a law enforcement agent?

Other Questions

32. Does any juror have a problem with his or her hearing or vision that would prevent him or her from giving full attention to all of the evidence at this trial? Is any juror taking any medication which would prevent him or her from giving full attention to all the evidence at this trial?

33. Does any juror have any difficulty in reading or understanding English in any degree?

Function Of The Court And Jury

34. The function of the jury is to decide questions of fact. You are the sole judges of the facts and nothing that the

Court or the lawyers say or do may encroach in any way on your role as the exclusive fact finders. However, when it comes to the law you must take your instructions from the Court and you are bound by those instructions. You may not substitute your notions of what the law is or what you think it should be. At the conclusion of the case, your job will be to determine whether or not the defendant is guilty as charged in the Indictment. Does any juror feel unable, for any reason, to follow the legal instructions that the Court will give?

35. Does any juror have any bias or prejudice that might prevent or hinder him or her from accepting the instructions of the law that I will give you over the course of the trial?

36. The question of any eventual punishment is for the Court alone to decide. Will each juror accept that the question of punishment is for the Court alone? Will each juror accept that any possible punishment may not, and must not, enter into the deliberation of the jury in its determination as to whether the defendant on trial here is guilty?

37. It may not be a particularly pleasant duty to find another individual guilty of committing a crime. Is there any juror who feels that, even if the evidence established the defendant's guilt beyond a reasonable doubt, he or she might not

be able to render a guilty verdict for reasons unrelated to the law and the evidence?

38. Does any juror have any religious, philosophical, or other belief which would make him or her unable to render a guilty verdict for reasons unrelated to the law and the evidence? For example, does any juror have the belief that he or she may not pass judgment on other people?

Other Biases

39. In these questions, I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior questions, does any juror have the slightest doubt in his or her mind, for any reasons whatsoever, that he or she will be able to serve conscientiously, fairly, and impartially in this case? Apart from any prior questions, does any juror have the slightest doubt in his or her mind, for any reasons whatsoever, that he or she will be able to render a true and just verdict without fear, favor, sympathy, or prejudice, and according to the law as it will be explained to you by me?

Juror's Background

40. The Government respectfully requests that the Court ask each juror to state the following information:

- (a) the juror's occupation;
- (b) the name of the juror's employer;

- (c) the period of employment with that employer;
- (d) the nature of the juror's work;
- (e) the same information concerning other employment within the last five years;
- (f) the same information with respect to the juror's spouse and any working children;
- (g) the area in which the juror currently resides and any other area in which the juror has resided during the last five years;
- (h) the educational background of the juror, including the highest degree obtained;
- (i) the names of any magazines and newspapers regularly read by the juror;
- (j) the names of any television programs regularly watched by the juror; and
- (k) the juror's hobbies and other non-work activities.

**Requested Instruction Following
Empaneling Of The Jury**

41. From this point on until you retire to deliberate on your verdict, it is your duty not to discuss this case and not to remain in the presence of other persons who may be discussing this case. This rule about not discussing the case with others includes discussions even with members of your own family or friends.

42. If at any time during the course of this trial, any person attempts to talk to you or to communicate with you about this case, either in or out of the courthouse, you should immediately report such an attempt to me.

43. In this regard, let me explain to you that the attorneys and defendant in a case are not supposed to talk to jurors, even to offer a friendly greeting. So if you happen to see any of them outside this courtroom they will, and should, ignore you. Please do not take offense. They will only be acting properly by doing so.

Dated: New York, New York
February 5, 2007

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the United States of
America

By: /s/
E. Danya Perry/Daniel W. Levy
Assistant United States Attorneys
Telephone: (212) 637-2434/-1062

AFFIRMATION OF SERVICE

DANIEL W. LEVY, pursuant to Title 28, United States Code, Section 1746, declares under the penalty of perjury:

I am employed in the Office of the United States Attorney for the Southern District of New York.

On February 5, 2007, I caused the foregoing Government's Proposed Examination of Prospective Jurors to be served via Clerk's Notice of Electronic Filing upon the following attorneys, who are filing users in this case:

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Counsel to defendant Timothy Montgomery

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
February 5, 2007

/s/
Daniel W. Levy